IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1825 OF 2005

Shri.Laxman Pandurang
Jadhav (Patil) and Ors. ..Applicants

Vs.

Shri.Vilasrao Krishnarao
Jadhav & Anrs. ..Respondents

...

Mr.R.L.Patil Advocate for Applicants
Mr.M.S.Mohite i/b Mr.Vishwanath Talkute
for Respondent no.1
Mr.S.R.Shinde, A.P.P. for the State

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CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : OCTOBER 11, 2005

P.C.

1. Heard the learned advocate for the applicants, learned advocate for the respondent no.1-complainant and the learned A.P.P. for the State.

2. The applicants are seeking quashing of proceedings of Reg.Criminal Case No.54 of 2004 which is pending before the Judicial Magistrate, First Class, Wai. In the said case, process has

been issued against the applicants under Sections 403, 406, 408, 465, 468 r.w. 34 of IPC. The learned advocate for the applicants submitted that the learned Magistrate committed an error in issuing process and the said process deserves to be set aside. It is further submitted that if the process issued against the applicants is set aside, the proceedings in respect of the applicants, would come to an end.

3. For the reasons recorded in the decision of this Court in the case of **V.K.Jain and others Vs. Pratap V. Padode reported in 2005(3) Mh.L.J.778,** I am of the opinion that the applicants have an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the applicants prefer a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the applicants to prefer the necessary revision before the concerned Sessions Court. The learned advocate for the

applicant makes a statement that the necessary revision will be preferred within four weeks from today. In view of this statement, the trial Court shall not proceed with the trial for a period of four weeks.

. The learned advocate for the respondent no.1-complainant fairly states that no objection will be raised in respect of delay in filing the revision.

5. On the necessary revision being preferred by the applicants before the concerned Sessions Court, the concerned Sessions Court shall dispose of the matter on merits after hearing the necessary parties.

6. Criminal Application is disposed of.

[V.K.TAHILRAMANI,J.]